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3 Q. Prior to decided to go waive its the  
4 attorney-client privilege, did Blockbuster retain all of  
5 its communications regarding the validity or invalidity  
6 of the '450 patents?

7 MR. RAIFF: Let me object again that its  
8 systems facts and, it is beyond the extent of scope of  
9 this deposition and it asks you to reveal information  
10 covered by the attorney-client privilege or the work  
11 product privilege. If you can answer based on those  
12 instructions, you can. Otherwise, I instruct you not  
13 to.

14 A. I cannot answer that question.

15 Q. You're going to follow your counsel's  
16 instructions not to answer that question?

17 A. Yes.

18 Q. Prior to Blockbuster's decision to waive the  
19 attorney-client privilege with respect to the '450  
20 patent, did Blockbuster receive any written documents  
21 from Alschuler Grossman regarding the validity or  
22 invalidity of the '450 patent?

23 MR. RAIFF: I'll instruct you not to  
24 answer that as well on the grounds that it is beyond the  
25 scope of this deposition, assumes facts and is

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1 privileged under attorney-client privilege and work  
2 product privilege.

3 Q. I think I'm entitled to a yes or no answer to  
4 that question.

5 MR. RAIFF: No, you're not.

6 Q. Are you going to follow your counsel's  
7 instruction not to answer?

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3 any documents relating to the validity or invalidity  
4 of the 381 patent from any outside counsel?

5 MR. RAIFF: Same objection and struck,  
6 instruct you not to answer, again the question systems  
7 facts, is beyond the scope of this deposition as agreed  
8 upon. Is beyond the scope of Category 8 and is  
9 requesting privileged information and is improper use of  
10 this deposition and is harassing.

11 Q. Are you going to follow his instructions?

12 A. Yes.

13 Q. Mr. Stevenson, what did you do to prepare for  
14 your deposition here today?

15 A. I met with counsel.

16 Q. When did you meet with counsel?

17 A. Yesterday.

18 Q. With whom did you meet?

19 A. I met with Bill O'Brien and Mike Raiff.

20 Q. And how long did that meeting last?

21 MR. RAIFF: I know, that's questionable  
22 whether that invades said work printout and  
23 attorney-client privilege. Assume you agree that it is  
24 not a waiver, I will let him answer. Do you agree it's  
25 not a waiver?

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1 MR. PAIGE: I do.

2 MR. RAIFF: You can answer that, if  
3 you --

4 A. Approximately 6 hours.

5 Q. At that meeting, did you discuss the validity  
6 or invalidity of either the '450 or '381 patents?

7 MR. RAIFF: Obviously we're not going to  
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8 get into that because it is beyond the scopes of this  
9 deposition and it is protected by the attorney-client  
10 privilege and work product privileges and is harassing,  
11 is an improper use of this deposition and going to  
12 instruct him not to answer that question.

13 Q. Are you going to follow that instruction?

14 A. Yes.

15 MR. PAIGE: Mr. Stevenson, I have no  
16 further questions for you. I thank you for your time  
17 and courtesy today.

18 A. Thank you, Gene.

19 MR. PAIGE: Counsel?

20 MR. RAIFF: No, we reserve any questions.

21 THE VIDEOGRAPHER: This is the end of  
22 tape 4, Volume 1 of the deposition of Bryan Stevenson.  
23 Going off the record, the time is 5:35 p.m.

24 (Deposition concluded) .

25 MR. RAIFF: It's been explained to me

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1 that at the deposition of a third party, is my  
2 understanding, it's a third party witness who has been  
3 subpoenaed pursuant to rule 45, my understanding is he  
4 is going to be appearing at his deposition tomorrow at  
5 Vinson & Elkins, and not here at Figari Davenport. It's  
6 right down the street from where we are today. And so I  
7 didn't want there to be any confusion on where the  
8 witness will be tomorrow.

9 MR. PAIGE: And let me make clear on the  
10 record that we have depositions noticed for this office  
11 all week; that Bill O'Brien made a proposal to move